

Quid Novi

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QUID NOVI

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Week in Review...

Craving for raw fish

A 68-year-old unemployed Japanese man pulled a knife in a convenience store early Sunday morning and threatened to kill himself unless he was sushi. He had already set fire to his apartment, and he couldn't eat because his state benefit payments had been stopped. Police overpowered the man after about an hour but declined to comment whether he did manage to get sushi or not.

Mail for Hitler

Perhaps showing a sign of the wasteful nature of governments, German postal services are still delivering post for Adolf Hitler. Apparently, a postcard addressed to the Fuehrer was sent to the Reichstag from an undisclosed location in England. There were no comments as to what will happen to the postcard, and to the person who still wishes to remain penpals with someone who has been dead for 60 years now.

No pain for lobsters

A new study out of Norway concludes that it's unlikely lobsters feel pain when it's being cooked. The 39-page report was aimed at determining if invertebrates should be subject to animal welfare legislation as Norway revises its animal welfare law. The report looked at invertebrate groups such as insects, crustaceans, worms and mollusks and summarized the scientific literature dealing with feelings and pain among those creatures without backbones.

Editor's Page: The Importance of Being Truthful

by Aram Ryu, Co-Editor-in-Chief (Law III)

Fox Mulder has said for too many seasons on the TV-show X-Files that the truth is out there, except he never explained that finding the truth would be an expensive process.

With the nebulous title of Commission (maybe Inquisition is better?), Justice Gomery and his A-team of lawyers seek to find out the truth about the sponsorship scandal, labelled one of the biggest political scandals of the century. The scandal during the Chretien regime and during the renewed enthusiasm of political separation in Quebec produced \$250 million worth of government contracts without proper paperwork, and not-so-small-town-cheap-but-still-tacky products to market Canada to Quebecers. It is indeed an important goal to find out what happened and find accountability for the lack of oversight in the sponsorship project. But what good can the commission do now that the money has been spent and more money is being spent by the commission?

Even if the commission is able to find the truth, the money spent will not magically rematerialize into the government's coffers. Instead, for the purpose of recovery, millions spent by

the commission should have been allocated to the best legal team the government can afford to go after the recipients of the money. Certainly knowing who were responsible for the project will satisfy many Conservatives and Liberals, but that may not be what's best for the country in the end.

Often truth is sought, but it is almost never obtained. Regular court proceedings, especially in the common law provinces, often claim they are seeking the truth and figure out what had really happened; but in the end, the justice system is less about truth than about dispute resolution. The role of the courts and the judges are simply to deal with issues at hand and find solutions that the parties were unable to come to. With the Gomery Commission, the emphasis on the truth completely ignores the procedural aspects of such a mythical quest.

Don't get me wrong: I am all for finding out the truth in the sponsorship scandal if that is possible. But that still doesn't change the fact that, once the report is delivered, it will not contain anything we already don't suspect, it will not bring back the money, it will not somehow deter separation in Quebec, and it will certainly not

satisfy everyone. In the end, the commission will not change the human tendency to be less vigilant when playing with other people's money. This has been shown in Canada with taxpayers' funds and in the United States with shareholders' investments. After all, ordering an ice sculpture of a naked guy to serve drinks for a birthday party is not what shareholders wanted when they bought the company's shares ... Accountability, responsibility, and a sense of duty seem to be lacking in certain people's brains and that is, in the end, inevitable. Preventive measures will fail, hence the need for recovery is greater, which the Gomery Commission will not fulfill.

It is also possible that the commission may not be able to find out accurately what had happened almost a decade ago. If the commission fails, will there be an inquiry into the failure of the commission?

One final word: the fiction "Meena Khan's First Date" that appeared last week was written by Mariam Pal. we apologize for the spelling mistake. Also the regular update on the performance of Chico was omitted last week. It can be found on page 3 of this week's issue. ■

Our next issue will appear on **March 1st**.

We wish everyone a pleasant and enjoyable reading week.

Chico Juggernaut Rolls On With Five Straight Victories

by Ken McKay (Law IV)

Editorial Note: This was supposed to appear in last week's Quid. We apologize for any inconvenience.

Jan. 3rd: Entering the second half of the season, Chico Resch started off strong with a 3-0 victory over the Beezers thanks to goals by Nat Brand (2) and Sam Adkins, and a standout performance by stand-in goaltender Jason MacLean. Captain Ian Osellame could not have been happier: "We've been dominating all season, firing on all cylinders - the only thing we've been missing is a shutout to really show the other teams in this league we are unstoppable. What a performance tonight by MacLean!"

Jan. 18th: With goalie Mike 'Leopard Skin' Eldridge back between the pipes, Chico faced the Polar Beers for the second time this season. In Ben Johnson fashion Chico started fast and accelerated through the game. Matt Singerman opened the scoring within the first three minutes, and forwards Sam Adkins and Steve Gough added two more before the end of the period. 2nd period goals were scored by Singerman, Osellame, Joe Adams, and Steve Lowe to round out a 7-1 victory. Said Osellame: "You can see that *most* of our team is getting stronger as the season rolls on. We took these pylons 4-1 last game and really put the beats on them tonight. We would have liked to continue the shutout streak but we are still happy with tonight's win."

Jan. 29th: Chico faced the University of Vermont Fighting Swans in non-conference play. The Fighting Swans came determined to avenge last year's two losses to Chico. They faced an uphill battle against a team with Casey Leggett (back from his five game suspension) returning to the lineup, and

Adam Zanna (retired Chico Hall of Famer) making an appearance. Matt Singerman opened the scoring late in the 1st period beating the goalie in the top corner. Early in the 2nd Zanna one-timed a Leggett feed in the high slot to make it 2-0. Moments later Vermont scored to pull within one. Zanna notched his second of the night early in the 3rd, but Vermont came right back to make it 3-2. Joe Adams closed the deal with some fancy stick work and a great feed to Leggett who made no mistake making the final score 4-2. Osellame was quoted: "It was good to have Leggett back in the line up even though he didn't pass the puck to anyone all night. He probably wanted to impress his girlfriend. I guess he didn't notice that she had left the arena early in the 1st period."

Feb. 1st: Chico faced the Medmen, their archrivals representing the Faculty of Medicine. The Medmen came out skating hard and quickly tested goalie Mike Eldridge, who stonewalled them in the early going. Late in the 1st period Ken McKay took a Mike Hazan feed and beat the goalie in the top corner to put Chico up 1-0. Minutes later Sam Adkins broke through two defenders and found the five-hole, and Chico was ahead 2-0. Before the end of the period the Medmen scored on the power play (Singerman in the box for roughing), making the score 2-1. With Singerman, Gough, and Hazan taking penalties in the early part of the 2nd period Chico was put to the test, but Eldridge held them scoreless. Midway through the 2nd Steve Gough scored on a Joe Adams feed putting Chico ahead 3-1. Adkins followed with his second on a Nat Brand pass, and within a minute McKay notched his second off an Osellame rebound. Singerman (just out of the box

after his 3rd penalty of the night) took a McKay pass behind the defenders and ran the score to 6-1. Nat Brand added insult to injury and made it 7-1. Osellame stated after the game: "The first period was tough but I guess they got a little dejected when they could not solve 'Leopard Skin,' because after those scoreless power plays they folded faster than Superman on laundry day. It was no shutout, but without his performance we might have lost this one."

Feb 8th: Chico looked to go 11-0 on the season against HC Davos. Nat Brand (wearing Depends after having battled the runs all day) got the team off to a quick start, taking a Casey Leggett feed and rifling a shot into the top corner. Davos tied the game several minutes later on a defensive clearing mistake.

With five minutes left in the 1st Ken McKay scored, finishing off Joe Adams' hard work in front of the net. Moments later Brand took a pass from McKay and duplicated his first goal with another shot to the top corner, and Chico was up 3-1. Before the end of the period Adams scored, cashing in a pretty feed from Ian Osellame. Early in the 2nd period Davos caught the Chico defense pinching and beat Mike Eldridge on a breakaway. Moments later Brand completed the hat-trick with an instant replay of his first two goals. Davos notched one more before the end of the game, but Chico came away with a 5-3 victory. Brand commented: "Well it was really Mike Hazan who deserves all the credit for providing the perfect screens all night. He was like a movable object in front of their net." The other players had to correct Brand's understanding of the terms movable and immovable - Brand hopes the new information will help him do better in Civil Law Property. ■

The Health Law Students Association / l'Association d'étudiante en droit medical presents

Careers in Health Law and Biotechnology

Thursday February 17th, 16:30-17:30, Room 202, 3644 Peel St. Montreal

This moderated panel is designed to give students an opportunity to explore possibilities for careers in health law and biotechnology. The panel will consist of four members, one from each of the following professional fields: legal practice, legal academics/public policy, non-governmental organization, and biotechnology firm executive. Panel members will present a 5-minute talk on their career experiences, perspectives, path and trajectory. The floor will then be open to questions.

Panel Members:

Charles Grubsztajn - Associate Director of Business Development, Caprion Pharmaceuticals

Caprion Pharmaceuticals is a venture capital financed biotechnology company based in Montreal. Charles Grubsztajn has negotiated and executed dozens of licensing agreements with pharmaceutical and biotechnology companies, universities, governments, and research institutions for research programs to treat cancer, infectious diseases, and Alzheimer's. He is also active in the company's M&A, operations, and financing activities.

Stuart Kugler - Medical Malpractice Attorneys, Kugler Kandestin L.L.P.

Kugler Kandestin, L.L.P. was founded in 1926 and is a mid-size boutique law firm in Montreal which has a medical malpractice team of attorneys. Stuart Kugler graduated from McGill's Faculty of Law in 1998. He became an associate with Kugler Kandestin, L.L.P. upon his call to the Bar. Stuart's primary area of practice is civil litigation, particularly medical malpractice, personal injuries, property and liability insurance, with a special interest in one of which was recently instituted and settled on a Canada-wide basis.

Mireille Lacroix - Research Associate, HumGen

Based at University of Montreal, HumGen is an international database on the legal, social and ethical aspects of human genetics. Mireille Lacroix holds a Master of Laws, specialisation in Bioethics from McGill University. She participated in the drafting of a report on legal and ethical issues raised by genetic testing for Ontario's Provincial Advisory Committee on New Predictive Genetic Technologies. Her research focuses on issues of privacy and confidentiality, public health law and infectious disease surveillance.

Richard Pearshouse - Senior Policy Analyst, Canadian HIV/AIDS Legal Network

The Canadian HIV/AIDS Legal Network is the only national, community-based, charitable organization in Canada working exclusively in the area of policy and legal issues raised by HIV/AIDS. Richard Pearshouse began working at the Network in November 2004, after working as a Legal Advisor to the UN Special Panels for Serious Crimes in East Timor. He has also been a legal research project officer for an East Timorese human rights NGO, a human rights monitor with a Guatemalan human rights NGO, assistant to the President of the Human Rights and Equal Opportunities Commission in Australia, and interned at the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia in The Hague.

Soul Searching

by Stephanie Dickson (Law I)

What am I doing in law school? Who cares about legal servitudes? Who came up with these rules anyways and why do we follow them?

These are questions that come to me – which I dare not ask – when I sit in a class like Civil Property. They are also questions that are explored in Foundations – a class in which I come close to finding the answers.

I did my undergraduate degree in Classical Civilizations at the University of Windsor. Our department was a small one, lacking in funds but not in engaging and inspiring professors. The more time I spend in law school, the more I think about the speech given to my class one day by the professor who taught a course on Socrates. He was lamenting forced retirement and the state of our educational system. That day, Dr. Bertman pointed out how so many university students come to school for one main reason: the piece of paper that they will receive at the end of the three or four years, which will allow them to obtain a job. Few people, he said, were here to get an education but instead, a marketable skill.

My professor then went on to say how the more students learned about their field, the more specific and small their scope of knowledge became. Take for example, the microbiologist. What does he know of drama, philosophy, literature, history or language? What does he care? While I certainly do not look down on the sciences – I admire those who possess the skills for such studies – I feel lucky to have had the chance to study the areas mentioned above and to learn for the sheer love of learning. Over the years, I have chosen courses based on my interests and not solely on the ultimate utility of such courses, as determined by the job market.

Now I find myself in law school and I fear I have fallen into the trap that Dr. Bertman warned me about three years ago. Through the study of law, I had hoped to make a life for myself and not, in the end, just a living. Increasingly, however, I find that Foundations is the only class that consistently stimulates and excites me. When I hear my fellow classmates complain about its relevance, I feel confused and a little saddened. Although I respect that not everyone here is philosophically inclined, I find the topics and the mental exercise associated with Foundations to be very much a part of the “real world.”

Judges in the Supreme Court must grapple every day with issues we discuss in Foundations. For instance, in *AG Canada v. Dupond*, Justice Beetz had to consider the difference between rights, freedoms and fundamental freedoms in order to determine whether a municipality could create a bylaw prohibiting public assemblies. If such philosophical legal matters are pondered by Supreme Court judges, then why shouldn't we ponder them as law students?

Socrates once said the unexamined life is not worth living. I feel that if we are mindlessly taking down Civil Code articles without discussing how they came to be and why they are important in the bigger picture, then we are not getting the full benefit of a legal education. In my view, there should be a little more Foundations in every class. Is it too much to ask that more of our classes be inspiring and stimulating as well as informative and practical? I hear from many upper-year students that law school gets better after year one. I hope this is true and that I am not simply in the wrong place. ■

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McGill Public Interest Career Fair

Wednesday, February 16th, 2005

10:45 – 12:45: Info kiosks in the Atrium

Éducaloï - Le carrefour d'accès au droit
Dept. of Foreign Affairs (UN, Human Rights Law Division)
Canada Corps at CIDA
Legal Aid Ontario
Projet Accompagnement Québec-Guatemala
Association of Community Legal Clinics of Ontario
Rights & Democracy
Hutchins Soroka & Grant LLP
Cavalluzzo Hayes Shilton McIntyre & Cornish LLP
Nelligan O'Brien Payne LLP
... and many more

1:00 – 2:15: Panel in the Moot Court: “Careers in Public Interest Law”

Elisabeth Eid, Director of Human Rights Law Section, DOJ
Fay Faraday, Cavalluzzo Hayes Shilton McIntyre & Cornish LLP
Rick Goldman, Comite d'aide aux réfugiés
Stephen Toope, Trudeau Foundation
Catherine McKenna, Stikeman Elliot LLP, and Canadian Lawyers Abroad

2:30 – 4:30: Networking in the Atrium

Sign up (by February 10th) to meet one-on-one with the following professionals:

David Schulze, Hutchins Soroka & Grant LLP (Aboriginal Law)
Annie Berthiaume, Nelligan O'Brien Payne LLP (Labour Law)
Howard Strauss, Director, UN, Human Rights & Humanitarian Law Division (Foreign Affairs)
Lloyd Lipsett, Senior Assistant to the President, Rights & Democracy
Elisabeth Eid, Director of Human Rights Law Section, DOJ
Fay Faraday, Cavalluzzo Hayes Shilton McIntyre & Cornish LLP
Rick Goldman, Comite d'aide aux réfugiés
Catherine McKenna, Stikeman Elliot LLP, and Canadian Lawyers Abroad
Isabelle Daoust, Advisor, International Humanitarian Law, Canadian Red Cross
Patricia Kosseim, General Counsel, Office of the Privacy Commissioner of Canada

My Mistress's Eyes Are Nothing Like the Sun

by Philippe Alma (Law II)

Valentine's Day ... the hate I bear thee can afford no better term than this: thou art a villain!

I used to despise Valentine's Day, and I wasn't alone. I don't know if it was the artificiality of the affair (the perfunctory chocolates or red roses) or if it was the fact that, in any given year, I always seemed to be single on February 14. Back in my undergrad days, the gals and I would kick back in our pyjamas, watch "Party of Five," and gripe about the opposite sex. I'm not saying it's bad to be alone on Valentine's Day (or "the Black Sabbath" as we used to call it during the intermission between our first and second tub of Cherry Garcia). I'm just saying that it was pretty lonely.

Well, it appears that this year has the same fate in store for me. My lovely fiancée has flown back to Japan for a few months in the hopes of scoring a visa that will reunite us. In the meantime, I'm left at home with our four stuffed animals, missing her. We haven't really been apart for more than a few weeks at a time, and it's this absence that has provoked a five-pound weight gain (damn you Cherry Garcia!), deep thinking, and my latest epiphany.

Ideal love is not my bag. I'd much rather watch a vasectomy than those cheesy, sappy, predictable love movies where the couple live happily together in bliss. Hell, I'd rather perform a vasectomy ... on myself. Those films are part of a massive conspiracy meant to destabilize relationships by fooling people into believing

that there is a perfect partner out there. Such a creature is the stuff of legends, or perhaps the behaviour brought on by the first few weeks of a relationship (which is pretty much all fiction anyway). Nope, I'm a realist, and I have learned that my partner's quirks are the most delicious part of her.

Honestly, I can't really point to many imperfections in my other half, but there is one that stands out. To her friends she's warm and angelic, but there's a darker side to her that first shocked me. My girlfriend doesn't believe in expiration dates.

Yes, it's true. To her, those "best before" dates are pointless. Like the instructions to Ikea furniture, she simply ignores them and goes about her meal. It wouldn't be so bad if she ate food that was only a few days old, but some of the things I've seen her eat have altered my opinion about the limits of the digestive tract. Two-month old mayonnaise often accentuates the brown wrinkly tomatoes and expired bacon that she squishes between brittle whole wheat bread. Chunky green liquid (the colour of decay) squirts out of the BLT as she smiles and assures me that "it tastes just fine." Mmm ...

For my angel, no celery is too flaccid, no meat too grey, and no egg too congealed. If anything does taste a tad off – some orange garlic or some fuzzy cheese – she simply cooks it with soy sauce and onions. The odours these creations release is disconcerting to say the least; the fan belt in our fume hood is being eaten away by them as it labours to clear the room

of the death-stench that warps the kitchen's dry-walling. It takes half a day to air out the apartment and I suspect my plants' ghastly appearance has more to do with her deep fried, month-old bananas than any lack of attention on my part. And yet, she never gets sick no matter how gruesome the meal.

Where am I going with this exposé? Well, had I known about this hidden dimension before we started dating I would have tucked tail and run, but the eccentricity of it all has grown on me. In fact, she's even convinced me to eat some of her "crazy cooking" and to my great surprise (and horror) I actually enjoyed it. Food I previously thought was inedible was now pulsing down my throat, and once I subdued my gag reflex I had to admit that it wasn't all that bad. And this leads me to my latest revelation.

This oozy food episode is really a metaphor for a successful relationship. The initial uncertainty, the hesitation, the gamble, and, with a little faith and a lot of courage, you cross over to the other side. You've left your comfort zone, and thanks to your partner you've grown as a person. I now experience the world differently thanks to my fiancée, and I appreciate it a whole lot more. And so, as I fish through the maze of Tupperware containers in my fridge looking for the curry I'm convinced I cooked in mid-January, I can't help but think of how thankful I am to have found my Yoko. Somehow Valentine's Day isn't so lonely when I'm with my leftovers. ■

Submit to the Quid: Tell us how your reading week was spent!

The Access to Essential Medicines Campaign Presents

The McGill AIDS charity Ball

Friday, March 4th, 2005

For More Information or To Purchase Tickets Online, Visit Our Website At:
<http://www.law.mcgill.ca/students/clubs/charityball/>



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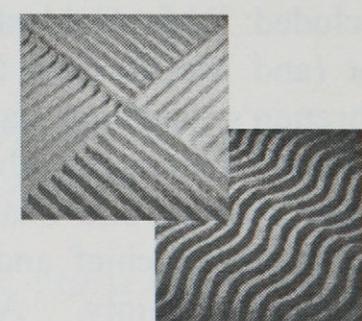


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Jean Chretien's Political Playbook

by John Burnett (Law II)

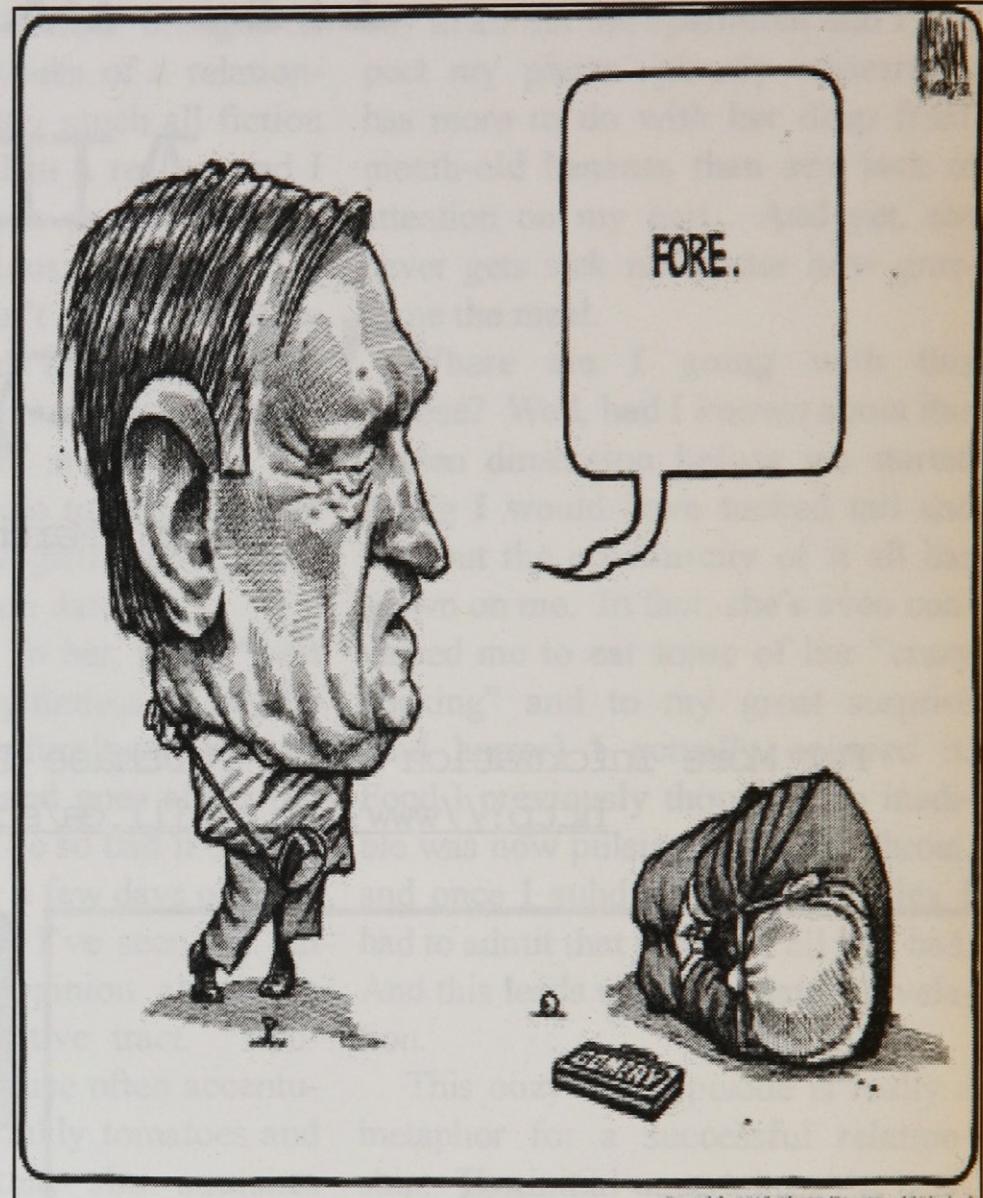
Jean Chretien's performance before the sponsorship inquiry was no accident. It was the result of a well-executed political playbook. Prior to his testimony, the sponsorship inquiry was potentially looking bleak for the former prime minister. Justice Gomery appeared in control, and was driving towards the goal of the investigation. There were possible questions about the integrity of the entire Canadian government. The public wasn't sure what to think. Then Jean Chretien stepped onto the ice. In doing so, Jean Chretien re-affirmed his standing as the reigning champion of Canadian political strategy. Here's how he did it.

I. Loyalty through genuine friendship. Jean Chretien's Tuesday performance at the sponsorship spectacle was impossible without loyal members of his former team. As one former staffer stated, he came to the testimony Tuesday "to support a friend." This was not a collection of hired mercenaries. Rather, it was a loyal group of friends lending moral and strategic support to a former boss defending his personal and political reputation. Chretien's personal style is in marked contrast to other political figures. A few drive their political careers by the question, "What have you done for me lately?" They would not have attracted such a loyal following a year after leaving office.

The Globe and Mail noted that Chretien's audience included: Eddie Goldenberg, longtime senior policy advisor (and McGill Law alumnus) who reportedly drafted Chretien's opening statement; former communications advisor Senator Jim Munson; former executive assistant Bruce Hartley; and Charlie Angelakos, Chretien's former Ontario desk chief and past director of operations for Dalton McGuinty. Attending in spirit was Warren Kinsella, former staff member and "war room" coordinator in previous federal and Ontario elections. Kinsella's political blog (www.warrenkinsella.com) was as much a centrepiece of Chretien's strategy as lawyer David Scott's performance before the inquiry.

II. Manage the media. Many Canadian political journalists are bored with their work. They like political entertainment, not content. Team Chretien gave them loads of fun material to play with.

As mentioned above, Kinsella's website campaign mas-



saged the political coverage of Tuesday's testimony. Often referring to the inquiry as the "Gomery Pyle Show," Kinsella's website is read by the media, lawyers in major firms, and government officials. In other words, it is read by those who shape coverage of the investigation. It was front and centre of the attack on Justice Gomery, keeping his unfortunate "small-town cheap" comments in the media spotlight since the end of last year. Old documents and other strategic media leaks were posted regularly, all directed at defending Chretien personally. The formal request for Justice Gomery to step aside was merely one step in a long, well-thought-out process.

"Spinning" the immediate coverage of any major political event is vital for sustaining positive press, and Kinsella hit the target bang-on. Immediately following the testimony, Kinsella sprung into action posting the full text of Chretien's opening statement. He provided a selection of favourable media quotes from his media monitoring. ▶

This herded media responses into an early consensus that Chretien's testimony was a brilliant success.

III. Images, not words. The pen may be mightier than the sword, but you'd run out of ink trying to match a good image. Successful politicians of all stripes, from Pierre Trudeau to Mike Harris, have realized that a single visual is far more effective than even the best "talking point." Jean Chretien's golf ball presentation and subsequent "Westmount cheap" remark dominated political coverage on Tuesday and the days following.

Equally important was Chretien's personal performance. His mission: visually show that he had nothing to hide. He was good-humoured in front of cameras prior to testifying. He even managed to ambush a comedian from *This Hour has 22 Minutes*. It was deftly contrasted by obvious bored-looking responses to questions during testimony. Chretien's well-timed glance at his watch waiting for the inquiry to begin drove this point home. Wednesday's newspaper photos showed a man with more serious things to do.

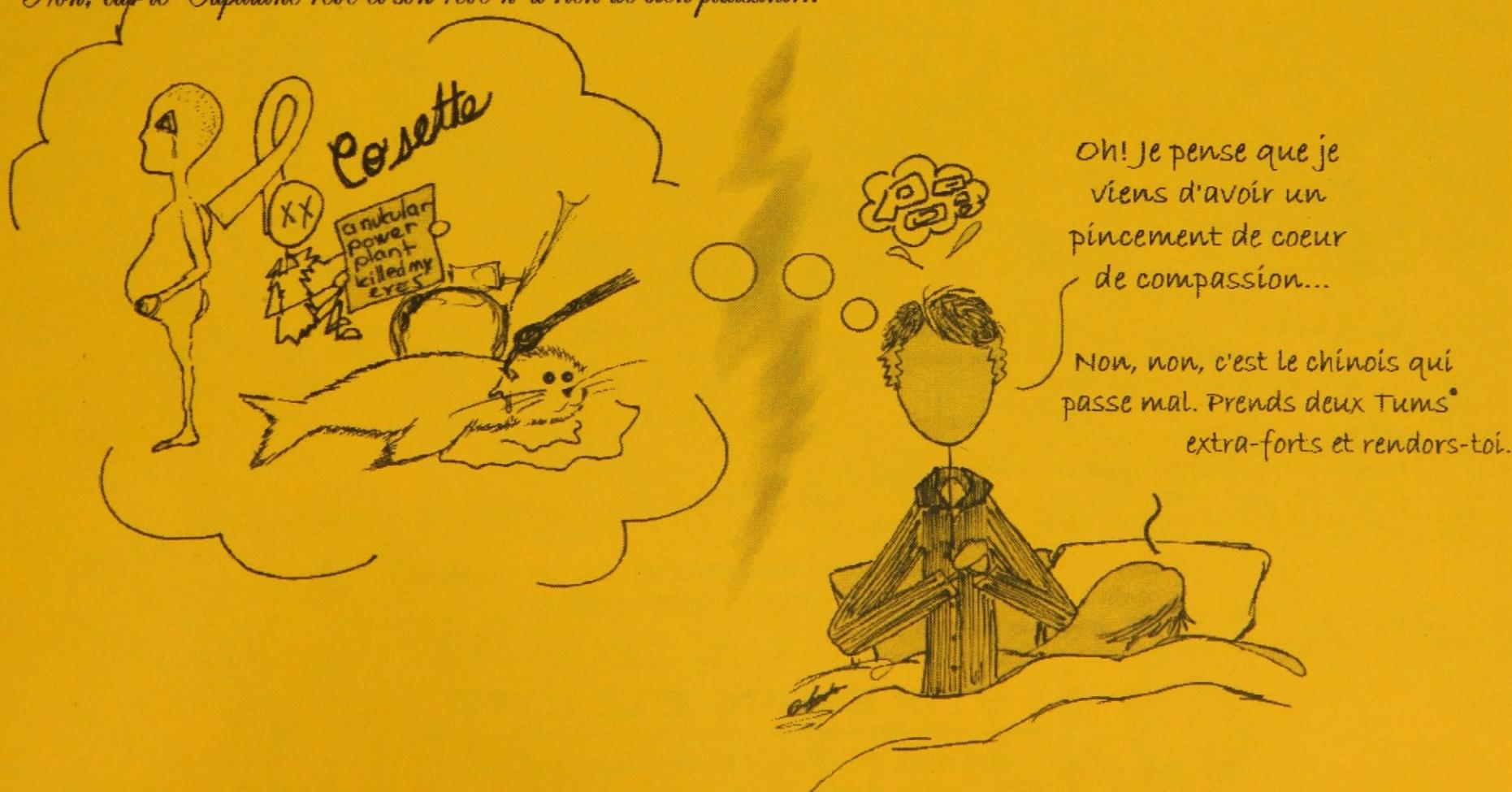
IV. Target your opponents. A classic rule of politics is to set the agenda by making your opponents address your issues. In doing so, Chretien defended himself and the integrity of the Canadian government - including its diligent public service. Chretien's strategy was successful by insinuating that personal vendettas were driving the inquiry. Two Chretien opponents were targeted repeatedly, often in the same breath. They were former prime minister Brian Mulroney and Justice Gomery. Alleged personal ties between Justice Gomery's daughter, Mulroney, and lead inquiry counsel Bernard Roy were raised. "Liberal-friendly" advertising firms were recast as "federalist-firms," to draw in Mulroney's government. Chretien's opening statement chastised both Mulroney and Justice Gomery directly, even as the latter sat metres away. Most importantly, this narrative was driven home by the well-planned golf ball visual.

The final inquiry report will be haunted by the spectre of Chretien's appearance. He turned relatively unnoticed comments during the holiday season into significant doubts months later about the commission itself. The consequences of this strategy can be debated. But one thing is certain: Jean Chretien put on a clinic in managing the political agenda. ■

Les aventures du Capitaine Corporate America

by Laurence Bich-Carriere (Law I)

Tout est calme dans la nuit du Capitaine Corporate America. Tout? Non, car le Capitaine rêve et son rêve n'a rien de bien plaisant...



The Stikeman Soccer Challenge 2005



Who?

McGill Law vs. Stikeman Elliott LLP

What?

Indoor soccer mini-match... just for fun.
No game experience required!

Where?

Fieldhouse (McGill Sports Complex)
475 Pine Avenue West

When?

Wednesday, February 23, 2005

What time?

7:30 p.m. - 9:00 p.m.

Why?

Why not?

For more details, contact Matt Bilmes, VP Athletics
([matthew.bilmes@mail.mcgill.ca](mailto:matt.bilmes@mail.mcgill.ca))

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